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8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 In re:
11 THE RHODES COMPANIES, LLC, aka
12 "Rhodes Homes," et al.,

13 Reorganized Debtors
14

Case No.: 09-14814-LBR
(Jointly Administered)

Chapter 11

13 **NOTICE OF HEARING ON MOTION**
14 **TO QUASH ORDERS OF RULE 2004**
15 **EXAMINATION AND**
16 **CORRESPONDING SUBPOENAS**
17 **AND/OR FOR PROTECTIVE ORDERS**

16 ☒ Affects all Debtors

17 ☐ Affects the following Debtors
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Hearing Date: October 5, 2011
Hearing Time: 9:30 AM
Place: Courtroom 1

20 **NOTICE IS HEREBY GIVEN** that a MOTION TO QUASH ORDERS OF RULE 2004
21 EXAMINATION AND CORRESPONDING SUBPOENAS AND/OR FOR PROTECTIVE
22 ORDERS (the "**Motion**") was filed on September 14, 2011 by James M. Rhodes ("**Rhodes**").
23 Pursuant to Rule 45(c) of the Federal Rules of Civil Procedure, made applicable pursuant to Rules
24 2004 and 9016 of the Federal rules of Bankruptcy Procedure, the Motion respectfully requests
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1 that the Court enter an order vacating the recent Rule 2004 Orders and quashing the
 2 corresponding subpoenas sent out by the Litigation Trust of The Rhodes Companies, LLC, *et al.*
 3 (the “**Litigation Trust**”). Alternatively, pursuant to Rule 26(c) of the Federal Rules of Civil
 4 Procedure, made applicable herein pursuant to Rules 9014 and 7026 of the Federal Rules of
 5 Bankruptcy Procedure, the Motion respectfully request that the Court enter a protective order.

7 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief
 8 sought in the Motion, or if you want the Court to consider your views on the Motion, then you
 9 must file an opposition with the Court, and serve a copy on the person making the Motion. (see
 10 Local Rule 9014(d)(3)). The opposition must state your position, set forth all relevant facts and
 11 legal authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

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 13 If you object to the relief requested, you *must* file a **WRITTEN** response to this
 14 pleading with the Court. You *must* also serve your written response on the person
 15 who sent you this notice.

16 If you do not file a written response with the Court, or if you do not serve your
 17 written response on the person who sent you this notice, then:

- 18 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 19 • The Court may *rule against you* without formally calling the matter at the
 20 hearing.
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22 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held before a
 23 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South,
 24 Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada 89101 on **October 5, 2011, at the**
 25 **hour of 9:30 AM.**
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1 DATED this 27 day of September, 2011.

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3
4 /s/ Kevin N. Anderson

5 Kevin N. Anderson

6 DAVID R. HAGUE

7 FABIAN & CLENDENIN

8 *Attorneys for James M. Rhodes*

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12 4824-3271-6555, v. 1